## CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1056

Citations Affected: IC 1-2-3-6; IC 20-10.1.

Synopsis: Conference committee report for EHB 1056. State and American flags; national motto; Pledge of Allegiance; moment of silence. Specifies that a worn out state flag should be disposed of in a dignified way. Authorizes a public school corporation to display the motto of the United States, "In God We Trust", in a conspicuous place in the main entrance of each building of the school corporation. Authorizes the display of a United States flag and a state flag in each classroom of a school corporation and allows a school corporation to provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance, with an exemption for those students who choose (or whose parents choose for them) not to participate. Allows a school corporation to establish the daily observance of a brief period of silence in each classroom. Provides that if the governing body of a school corporation has not established a policy concerning the Pledge of Allegiance or a period of silence, a principal or teacher may establish a policy. Repeals a current law allowing an optional brief period of silent prayer or meditation. (This conference committee report removes language requiring the attorney general to defend all suits challenging the constitutionality of the display of the motto, the recitation of the Pledge, and the moment of silence.)

Effective: Upon passage; July 1, 2003.

Adopted Rejected

## **CONFERENCE COMMITTEE REPORT**

## MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1056 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

1	Delete everything after the enacting clause and insert the following:
2	SECTION 1. IC 1-2-3-6 IS ADDED TO THE INDIANA CODE AS
3	A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
4	2003]: Sec. 6. A state flag, when it is in such condition that it is no
5	longer a fitting emblem for display, should be destroyed in a
6	dignified way in the manner prescribed for the destruction of an
7	American flag.
8	SECTION 2. IC 20-10.1-2-7 IS ADDED TO THE INDIANA CODE
9	AS A <b>NEW</b> SECTION TO READ AS FOLLOWS [EFFECTIVE
10	UPON PASSAGE]: Sec. 7. (a) As used in this section, "motto"
11	refers to the national motto of the United States as adopted by
12	Congress, as defined by the U.S.C. Title 36, Subtitle I, Part A,
13	Chapter 3, Sec. 302.
14	(b) The governing body of each school corporation may display
15	the motto:
16	(1) in English;
17	(2) in such a manner that the wording is legible to most people
18	from a distance of twenty (20) feet; and
19	(3) in a conspicuous place in the main entrance of each building

of the school corporation.

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- (c) The display must include:
  - (1) the phrase "The National Motto of the United States of America, adopted by Congress"; and
- (2) the date of adoption of the motto by Congress; as part of the display.
- (d) The governing body of a school corporation may not use any public funds to pay the costs of a display under this section if donations are available for payment of the costs.

SECTION 3. IC 20-10.1-4-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 0.5.** (a) The United States flag and the Indiana state flag may be displayed in each classroom of each school in a school corporation.

- (b) The governing body of each school corporation may provide a daily opportunity in each classroom of the school corporation for students to voluntarily recite the Pledge of Allegiance. A student is exempt from participation in the recitation of the Pledge of Allegiance and may not be required to participate in the recitation of the Pledge of Allegiance if:
  - (1) the student chooses not to participate; or
  - (2) the student's parent chooses not to have the student participate.
- (c) This subsection applies if the governing body of a school corporation has not adopted a policy under subsection (b). The following individuals may establish a policy that conforms with the requirements set forth in subsection (b):
  - (1) The principal of a school may establish a policy for a school building.
  - (2) A teacher may establish a policy for the teacher's classroom, if the principal of the school in which the teacher teaches has not established a policy.

If the governing body of the school corporation establishes a policy after a principal or teacher has established a policy, the principal or teacher must follow the governing body's policy.

SECTION 4. IC 20-10.1-4-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3.5. (a) In order to guarantee the right of every pupil to the free exercise of religion within the schools and to subject the freedom of each individual pupil to the least possible pressure from the state either to engage in or to refrain from religious observation on school grounds, the governing body of each school corporation may establish the daily observance of a brief period of silence in each classroom of the school corporation.

- (b) The brief period of silence that subsection (a) provides is not a religious service or exercise and may not be conducted as one, but is an opportunity for silent prayer or meditation on a religious theme for those so inclined or a moment of silent reflection on the anticipated activities of the day.
- (c) This subsection applies if the governing body of a school

corporation has not adopted a policy under subsection (a). The following individuals may establish a policy that conforms with the requirements set forth in subsection (b):

- (1) The principal of a school may establish a policy for a school building.
- (2) A teacher may establish a policy for the teacher's classroom, if the principal of the school in which the teacher teaches has not established a policy.

If the governing body of the school corporation establishes a policy after a principal or teacher has established a policy, the principal or teacher must follow the governing body's policy.

SECTION 5. IC 20-10.1-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. Voluntary Religious Observance = Authorized. A voluntary religious observance is permitted in each school corporation if the school corporation follows sections 9 and 10 and 11 of this chapter and any additional procedures which it adopts to assure that the observance is voluntary.

18 SECTION 6. IC 20-10.1-7-11 IS REPEALED [EFFECTIVE JULY 19 1, 2003].

20 SECTION 7. An emergency is declared for this act.

21 (Reference is to EHB 1056 as reprinted March 19, 2003.)

## Conference Committee Report on Engrossed House Bill 1056

igned by:

Representative Goodin
Chairperson

Representative Ruppel

Senator Nugent

Senator Sipes

House Conferees

Senate Conferees